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Attorneys for Defendant  
NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

IN RE COLLEGE ATHLETE NIL  
LITIGATION

Case No. 4:20-cv-03919-CW

**DECLARATION OF RAKESH KILARU  
IN SUPPORT OF DEFENDANTS' JOINT  
OPPOSITION TO PLAINTIFFS'  
MOTION FOR CLASS  
CERTIFICATION AND DEFENDANTS'  
MOTION TO EXCLUDE THE  
OPINIONS OF EDWIN DESSER AND  
DANIEL RASCHER**

Date: Sept. 21, 2023  
Time: 2:30 PM  
Trial Date: Jan. 27, 2025  
Judge: Hon. Claudia Wilken

1 I, Rakesh Kilaru, declare as follows:

2 I am a partner at the law firm of Wilkinson Stekloff LLP and represent the NCAA  
3 Defendants in this litigation. I submit this declaration in support of the Defendants' Joint Opposition  
4 to Plaintiff's Motion for Class Certification. I have personal knowledge of the facts set forth in this  
5 declaration and, if called as a witness, could and would testify competently thereto. I am admitted  
6 pro hac vice to practice before the United States Northern District of California in this litigation.

- 7 1. Attached hereto as Exhibit 1 is a true and correct copy of the expert report of Catherine  
8 Tucker, dated April 28, 2023.
- 9 2. Attached hereto as Exhibit 2 is a true and correct copy of the expert report of Bob Thompson,  
10 dated April 28, 2023.
- 11 3. Attached hereto as Exhibit 3 is a true and correct copy of the expert report of Barbara  
12 Osborne, dated April 27, 2023.
- 13 4. Attached hereto as Exhibit 4 is a true and correct copy of Name, Image and Likeness Policy  
14 Question and Answer produced by the NCAA with Bates-number  
15 NCAAHOUSE00196365.
- 16 5. Attached hereto as Exhibit 5 is a true and correct copy of transcript excerpts from the  
17 deposition of Plaintiff Sedona Prince, taken on January 19, 2023.
- 18 6. Attached hereto as Exhibit 6 is a true and correct copy of the transcript from the deposition  
19 of Plaintiffs' sports media expert Edwin Desser, taken on January 12, 2023.
- 20 7. Attached hereto as Exhibit 7 is a true and correct copy of the transcript from the deposition  
21 of Plaintiff's economics expert Daniel A. Rascher, taken January 10, 2023.
- 22 8. Attached hereto as Exhibit 8 is a true and correct copy of a Letter from the Office for Civil  
23 Rights to Bowling Green University dated July 23, 1998 (OCR-00020), available at  
24 <https://www2.ed.gov/print/about/offices/list/ocr/docs/bowlgrn.html>.
- 25 9. Attached hereto as Exhibit 9 is a true and correct copy of transcript excerpts from the  
26 deposition of Plaintiff Grant House, taken on February 10, 2023.
- 27 10. Attached hereto as Exhibit 10 is a true and correct copy of transcript excerpts from the  
28 deposition of Plaintiff Tymir Oliver, taken on January 23, 2023.

- 1 11. Attached hereto as Exhibit 11 is a true and correct copy of email exchanges between EA  
2 employees, produced by third party Electronic Arts, Inc. with Bates-number  
3 EA\_NIL\_00001875.
- 4 12. Attached hereto as Exhibit 12 is a true and correct copy of email exchanges between EA  
5 employees, produced by third party Electronic Arts, Inc. with Bates-number  
6 EA\_NIL\_00001243.
- 7 13. Attached hereto as Exhibit 13 is a true and correct copy of email exchanges between EA  
8 employees, produced by third party Electronic Arts, Inc. with Bates-number  
9 EA\_NIL\_00006067.
- 10 14. Attached hereto as Exhibit 14 is a true and correct copy of email exchanges between EA  
11 employees, produced by third party Electronic Arts, Inc. with Bates-number  
12 EA\_NIL\_00000268.
- 13 15. Attached hereto as Exhibit 15 is a true and correct copy of email exchanges between EA  
14 employees, produced by third party Electronic Arts, Inc. with Bates-number  
15 EA\_NIL\_00005410.
- 16 16. Attached hereto as Exhibit 16 is a true and correct copy of email exchanges between EA  
17 employees, produced by third party Electronic Arts, Inc. with Bates-number  
18 EA\_NIL\_00000149.
- 19 17. Attached hereto as Exhibit 17 is a true and correct copy of email exchanges between EA  
20 employees, produced by third party Electronic Arts, Inc. with Bates-number  
21 EA\_NIL\_00001462.
- 22 18. Attached hereto as Exhibit 18 is a true and correct copy of email exchanges between EA  
23 employees, produced by third party Electronic Arts, Inc. with Bates-number  
24 EA\_NIL\_00000121.
- 25 19. Attached hereto as Exhibit 19 is a true and correct copy of email exchanges between EA  
26 employees, produced by third party Electronic Arts, Inc. with Bates-number  
27 EA\_NIL\_00000158.
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1 20. Attached hereto as Exhibit 20 is a true and correct copy of email exchanges between EA  
2 employees, produced by third party Electronic Arts, Inc. with Bates-number  
3 EA\_NIL\_00001239.

4 21. Attached hereto as Exhibit 21 is a true and correct copy of email exchanges between EA  
5 employees, produced by third party Electronic Arts, Inc. with Bates-number  
6 EA\_NIL\_00006071.

7 22. Attached hereto as Exhibit 22 is a true and correct copy of email exchanges between EA  
8 employees, produced by third party Electronic Arts, Inc. with Bates-number  
9 EA\_NIL\_00005288.

10 23. Attached hereto as Exhibit 23 is a true and correct copy of transcript excerpts from the  
11 deposition of the Commissioner of the Big Ten Conference, James Delany, taken on  
12 September 20, 2022.

1 I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct.

3 EXECUTED on this 28th day of April 2023 in Washington, D.C.

4 Respectfully submitted,

5 /s/ Rakesh N. Kilaru

6 Rakesh N. Kilaru (admitted *pro hac vice*)  
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